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09/725,987	11/29/2000	Tadao Yoshida	450100-02886	1330

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EXAMINER	
MA, JOHNNY	

ART UNIT	PAPER NUMBER
2614	8

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/725,987	YOSHIDA ET AL.	
	Examiner	Art Unit	
	Johnny Ma	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. Claims 1, 3, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1).

As to claims 1 and 11, the Ismail reference discloses a broadcast system and corresponding receiving apparatus (i.e., a system for receiving broadcasts, recording system 100, fig, 1, and column 4, lines 40-44) comprising: a broadcast station (see digital satellite system and CATV system, column 4, lines 49-54) for broadcasting attributive information (attribute information 107), in which attribution is shown (i.e., attributive information is related to said digital contents, column 3, lines 43-48) and digital contents (see digital encoding, column 4, lines 52-54) of receiving apparatuses (recording system 100, fig. 1) having receiving means (column 4, lines 40-41) for digital contents (see digital encoding, column 4, lines 40-47) and attributive information (attribute information 107, column 3, lines 33-61) , which are put on the air by a broadcast station (see digital satellite system and CATV system, column 4, lines 49-54); recording medium (storage device 106) for recording said received digital contents and attributive information (see storage of program data 105 and attribute information 107 in storage device 106, fig. 1, and column 4, lines 7-8); output means (monitor 108) for outputting the received digital contents (column 4, lines 35-38); selecting means (preference agent 110 and recording manager 112, fig. 1) for comparing selective information showing user's taste

(preference database 116, fig. 1) with the attributive information (107), which is provided to the digital contents to select the digital contents (column 4, lines 13-31); and controlling means (recording manager 112) for controlling to record the received digital contents selected by said selecting means, among digital contents received (column 4, lines 28-31). However, the Ismail reference does not specifically disclose using selecting means to allow playback of only selected contents from among all contents recorded in said recording medium by comparing said selecting information showing a user's taste with the attributive information of the contents recorded in said recording medium. Now note the Berstis reference that discloses a multi-user video hard disk recorder wherein the system and method supports profiles for multiple users (column 6, lines 24-37). The claimed "whereby when the system is outputting contents recorded in said recording medium, the system is operable to employ said selecting means to allow playback of only selected contents from among all contents recorded in said recording medium by comparing said selecting information showing a user's taste with the attributive information of the contents recorded in said recording medium" is met by the display of programming recorded for user that matches user's profile without the display of recorded programming of other users not matching user's profile (column 6, lines 24-37; column 10, lines 4-31). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the Ismail recording of user programs with the Berstis method of playback of recorded programming for the purpose that users do not have to keep track of which tapes are being fed into a VRC to record which show and to alleviate the need to skip over other people's shows to view a desired show (column 2, lines 31-44).

As to claims 3 and 13, Ismail discloses said selective means (preference agent 110) updating the descriptive contents of said selective information (preference database 116) on the basis of attributive information (i.e., program category or theme, column 10, line 63 – column 11, line 18) provided to the digital contents, which are recorded by said controlling means (recording manager 112, column 4, lines 13-31).

3. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1), Segman (US 6,301,619), and Shah-Nazaroff et al. (US 6,317,881)..

As to claims 2 and 12, Ismail discloses a broadcast system and corresponding receiving apparatus (recording system 100) comprising a display means (monitor 108) and digital contents capable of being listened to and viewed (see audio and video components of 105, column 3, lines 33-35), however fails to specifically disclose said display for displaying title information of said contents; attributive information showing the attribution of contents on said display, and selective information generation means on the basis of inputted information by the user in response to displayed information, as recited in the claims. In a related art, Segman discloses attributive information (see sender electronic information, column 5, lines 35-39) showing the attribution of contents on said display (column 5, lines 52-55 and step (3e), fig. 2), and selective information generation means on the basis of inputted information by the user in response to displayed information (see viewer response, step (5), fig. 2, and column 11, lines 36-45), for the purpose of allowing the broadcast facility to obtain user preferences to further refine its broadcast selections. Segman, however, fails to specifically disclose a display for displaying title information of said contents, as recited in the claims. In a further related art, Shah-Nazaroff

discloses display (entertainment system 100, fig. 1) for displaying title information of said contents (see TITLE, fig. 6, and fig. 2, lines 25-26, and column 7, lines 10-14) for the purpose of allowing the viewer to view the title of the program before deciding whether or not to watch said program. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail to include attributive information showing the attribution of contents on said display, and selective information generation means on the basis of inputted information by the user in response to displayed information, as taught by Segman, for the purpose of allowing the broadcast facility to obtain user preferences to further refine its broadcast selections. It would have further been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail and Segman to include said display for displaying title information of said contents, as taught by Shah-Nazaroff, for the purpose of allowing the viewer to view the title of the program before deciding whether or not to watch said program.

4. Claims 4 and 14are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1), Shah-Nazaroff et al. (US 6,317,881), and Lawler (US 5,758,259).

As to claims 4 and 14, Ismail discloses a broadcasting system of which the descriptive contents are updated by said selective means, however fails to specifically disclose said receiving apparatus comprising a means for transmitting selective information to said broadcast station, and said station selecting digital contents to be broadcast on the basis of said selective information, as recited in the claims. In a related art, Shah-Nazaroff discloses a receiving apparatus (entertainment system 100, fig. 1) comprising a means for transmitting selective

information (viewer feedback 120) to said broadcast station (column 3, lines 48-58), for the purpose of providing the broadcasting station with user feedback concerning program content. Shah-Nazaroff fails to specifically disclose said station selecting digital contents to be broadcast on the basis of said selective information, as recited in the claims. In a related art, Lawler discloses a broadcast station (central node 12, fig. 1) selecting digital contents (column 3, lines 24-31) to be broadcast on the basis of said selective information (column 9, lines 12-26), for the purpose of automatically sending programs to a viewer which he or she might find desirable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail to include a receiving apparatus comprising a means for transmitting selecting information to said broadcast station, as taught by Shah-Nazaroff, for the purpose of providing the broadcast station with user feedback concerning program content. It would have further been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail and Shah-Nazaroff to include a broadcast station selecting digital contents to be broadcast on the basis of said selective information, as taught by Lawler, for the purpose of automatically sending programs to a viewer which he or she might find desirable.

5. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1) and Amano (US 5,585,865).

As to claims 5 and 15, Ismail discloses said selecting means (preference agent 110 and recording manager 112) comparing selective information (preference database 116) with the attributive information (107) which is provided to the digital contents to be recorded (column 4, lines 28-31) by said recording medium (recording system 100); comparing a logical addition of

each selective information with the attributive information (column 11, line 58 – column 12, line 3); and selecting any one of the selective information and comparing the selected selective information with the attributive information (column 11, 60-61). Although Ismail discloses outputting presently broadcast programs to the output means (monitor 108), Ismail fails to specifically disclose said selecting performed in the case of output said contents to said output means, as recited in the claims. In a related art, Amano discloses a system which selects content to be automatically output (column 2, lines 53-64) by an output means (CRT 24, fig. 1), for the advantage of providing content for the user that is desirable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail to include said selecting performed in the case of outputting said contents to said output means, as taught by Amano, for the advantage of providing content for the user that is desirable.

6. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1) and Schulhof et al. (US 5,5724,42).

As to claims 6 and 16, Ismail discloses a broadcasting system and corresponding receiving apparatus (100), however, Ismail fails to specifically disclose a means for decoding encrypted contents and receiving said encrypted contents, as recited in the claims. In a related art, Schulhof discloses a means for decoding encrypted contents (decode/decrypt/write module 122) and receiving said encrypted contents (column 12, lines 10-18), for the purpose of preventing unauthorized access to sensitive user information during transmission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail to include a means for decoding encrypted contents and receiving said

encrypted contents, as taught by Schulhof, for the purpose of preventing unauthorized access to sensitive user information during transmission.

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1), Schulhof et al. (US 5,5724,42), and Sprague et al. (US 5,247,575).

As to claims 7 and 17, Ismail discloses said recording means (106) of said receiving apparatus (100) recording said digital contents (column 4, lines 7-8), however fails to specifically disclose recording said content before the code is decoded, as recited in the claims. In a related art, Sprague discloses a system in which information is recorded (stored) before being decoded (column 7, lines 45-51, and column 23, lines 22-30), for the purpose of preventing unauthorized access during storage of said content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail and Schulhof to include recording said content before the code is decoded, as taught by Sprague, for the purpose of preventing unauthorized access during storage of said content.

8. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1) and Hendricks et al. (US 5,798,785).

As to claims 8 and 18, Ismail discloses a broadcasting system and corresponding receiving apparatus receiving digital contents (column 4, lines 40-47) output to an output means (108), however fails to disclose said system comprising means for accounting of said contents, which is output to an output means, as recited in the claims. In a related art, Hendricks discloses

a system wherein a receiving apparatus (set top terminal 22) comprises means for accounting of said contents (i.e., billing and account information, column 10, lines 39-43), which is output to an output means (i.e., text informing subscriber of account status, column 10, lines 41-43), for the purpose of allowing the subscriber to be kept abreast of current billing and account information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail to include means for accounting of said contents, which is output to an output means, as taught by Hendricks, for the purpose of allowing the subscriber to be kept abreast of current billing and account information.

9. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1), Hendricks et al. (US 5,798,785), and Seth-Smith et al. (US 4,829,569).

As to claims 9 and 19, the combined systems of Ismail and Hendricks disclose a broadcasting system and corresponding receiving apparatus (Hendricks, set top terminal 22) receiving digital contents (column 4, lines 40-47) and an accounting means (Hendricks, column 10, lines 39-43), however fail to specifically disclose said receiving apparatus comprising means for decoding encrypted digital contents and said accounting carried out upon decoding said contents. Hendricks further discloses said receiving apparatus comprising means for decoding encrypted digital contents (DECRYPT 600, fig. 4), for the purpose of preventing unauthorized access to sensitive user information during transmission. Hendricks fails to specifically disclose said accounting carried out upon decoding said contents, as recited in the claims. In a further related art, Seth-Smith discloses a system in which accounting is carried out upon the decoding of received contents (column 6, lines 50-60), for the advantage of allowing account information

to be viewed when securely received by the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail and Hendricks to include said receiving apparatus comprising means for decoding encrypted digital contents, as taught by Hendricks, for the purpose of preventing unauthorized access to sensitive user information during transmission. It would have further been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Ismail and Hendricks to include a system in which accounting is carried out upon the decoding of received contents, as taught by Seth-Smith, for the advantage of allowing account information to be viewed when securely received by the user.

10. Claims 10 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (US 6,614,987 B1) in further view of Berstis (US 6,564,005 B1), Hendricks et al. (US 5,798,785), Seth-Smith et al. (US 4,829,569), and Sprague et al. (US 5,247,575).

As to claims 10 and 20, the combined systems of Ismail, Hendricks, and Seth-Smith disclose a recording medium (Ismail: 106) recording said digital contents (Ismail, column 4, line 27, and see digital encoding, column 4, lines 40-47) being decoded and accounting being provided after said decoding (Seth-Smith column 6, lines 50-60), however they fail to specifically disclose recording said contents before the code is decoded, and therefore said accounting being provided after being reproduced by said recording medium, as recited in the claims. In a related art, Sprague discloses a system in which information is recorded (stored) before being decoded (and therefore before accounting is provided) (column 7, lines 45-51, and column 23, lines 22-30), for the purpose of preventing unauthorized access of accounting data during storage and transmission of said content. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the combined systems of Ismail, Hendricks, and Seth-Smith to include recording said contents before the code is decoded, and therefore said accounting being provided after being reproduced by said recording medium, as taught by Sprague, for the purpose of preventing unauthorized access of accounting data during storage and transmission of said content.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Wood et al. reference (US 2002/0054752 A1) discloses a video data recorder with personal channels.

The Artigalas et al. reference (US 2001/0014206 A1) discloses a method and device for recording and reading on a large-capacity medium.

The Nickum reference (US 6,721,954 B1) discloses personal preferred viewing using electronic program guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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